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WORLD CONFERENCE ON HUMAN RIGHTS
Preparatory Committee
Fourth session
Geneva, 19-30 April 1993
Agenda Item 6

REPORT ON OTHER MEETINGS AND ACTIVITIES

Report of the Secretary-General

Addendum

Contribution from Women in Law and Development in Africa (WiLDAF)

1. The General Assembly, by its resolution 46/116, requested the Secretary-General to report to the Preparatory Committee on progress made on meetings that had been organized under the auspices of the United Nations programme pursuant to General Assembly resolution 45/155.

2. By letter dated 1 April 1993, the Regional Coordinator of Women in Law and Development in Africa (WiLDAF) requested that the recommendations from two WiLDAF-sponsored meetings be circulated at the fourth session of the Preparatory Committee. The first, the Southern African Women's Human Rights meeting, was held from 10-12 March 1993 and attended by representatives of 24 organizations in 7 countries of the southern African region, and the second, the East Africa Sub-regional Meeting, was held from 22-24 March 1993 and attended by 51 participants from four countries of the East African region.

3. Both sets of recommendations, inter alia, call upon States to accept the obligations of international human rights law which protect women, to ratify and implement the Convention on the Elimination of All Forms of Discrimination Against Women, and to ensure that their domestic laws and practice are in conformity with their international obligations.

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THE UNITED NATIONS WORLD CONFERENCE ON HUMAN RIGHTS

SOUTHERN AFRICA WOMEN'S HUMAN RIGHTS SATELLITE MEETING

10 - 12 March 1993, Mazvikadei, Banket, Zimbabwe

This meeting of 31 individuals representing 24 organizations in 7 countries of the Southern Africa sub-region:

RECALLING the commitment of the international community of States to the human rights principles of non-discrimination and equality between men and women as is evidenced by the United Nations Charter, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and other human rights instruments,

CONCERNED that despite the obligations, contained in the human rights instruments ratified or acceded to by States, to promote and protect equality between men and women, discrimination against women continues to exist in law and practice

CONCERNED FURTHER that custom and tradition are used by States, State agencies and individuals to perpetuate discrimination against women in areas of legal status and capacity, family life and marital power, access to land, credit and other economic resources and citizenship

RECOGNIZING that systematic violence against women, is a violation of the fundamental right to physical, mental, emotional and sexual integrity of women

NOTING that the continued division of human rights into civil and political right on the one hand and social and economic rights on the other has seriously affected and continues to affect the rights of women and girl-children to health-care and education

NOTING FURTHER that the imposition and implementation of economic structural adjustment programmes on developing countries has very serious and negative implications for women's human rights in the family, at work, and in health and education

MINDFUL that access to information by populations is necessary for the protection and promotion of human rights

RECOMMENDS

1. that States reaffirm and commit themselves to effectively promote and protect the human rights of women within their territories. The international community of States must commit themselves to use all lawful means to promote and protect the human rights of women around the world.

2. that States ratify and implement the Convention on the Elimination of All Forms of Discrimination Against Women and other human rights instruments

3. that States ensure that their domestic law and practice are in conformity with their international obligations under regional and international human rights instruments

4. that States recognize systematic violence against women as a violation of the human rights of women. States are under an obligation to take all necessary measures to stop this violence wherever it occurs

5. that States reaffirm the indivisibility of human rights and commit themselves to providing resources for the enjoyment of social and economic rights

6. that multilateral financial institutions and donor countries allow prior popular consultation to ensure that economic structural adjustment programmes do not result in or worsen systematic violations of the human rights of women

7. that States and international organizations recognize and act upon their obligation to disseminate information on human rights standards, state obligations and enforcement mechanisms.

HUMAN RIGHTS

THE UNITED NATIONS WORLD CONFERENCE ON HUMAN RIGHTS
EAST AFRICA SUB-REGIONAL MEETING,
MARCH 22ND - 24TH, 1993

51 participants from non-governmental organizations from four countries of the East African region, (Uganda, Mauritius, Tanzania, Kenya) participated at the meeting.

RECALLING the commitment of the international community of states to the Human Rights principles of non-discrimination and equality between men and women as proclaimed by the U.N. Charter, the Universal Declaration of Human Rights, Convention on the Elimination of All Forms of Discrimination Against Women, The International Covenant on Civil and Political Rights and other human rights instruments,

NOTING that despite ratification by member states of the international legal instruments, legal, economic, social, political, traditional, and cultural barriers continue to hinder women from achieving their full development potential,

CONCERNED that despite the objectives contained in the human rights instruments ratified by member states to promote, protect and maintain equality between men and women, discrimination against women continues to exist in law and practice,

CONCERNED FURTHER that member states, law enforcement agencies and individuals use negative customary laws and harmful traditional practices to deny women their constitutional, political, legal, socio-economic, cultural, health and reproductive rights,

NOTING that systematic violence whether in the private or public sphere against women apart from constituting a violation of their rights to physical, mental, emotional, psychological and sexual integrity, dignity and self-esteem, is above all a denial of their fundamental right to life,

NOTING FURTHER that the separation between first and second generation of rights is unacceptable, due to its negative effects on the rights of women in general, in the rights of girl children in particular, to health care, education and other social rights,

CONCERNED that the combined imposition and implementation of the structural adjustment policies and programmes constitute an impediment on women's human rights and in particular their socio-economic rights,

RECOGNIZING that illiteracy and ignorance of basic fundamental

rights constitute a major obstacle to the realization of women's human rights,
CONCERNED that the important roles of women as producers, reproducers and sustainers of agricultural economies and their contribution to the general development process of the member states are underestimated and/or ignored,

RECOMMENDS:-

1. That member states accept the obligation of international human rights law articulated in the international instruments and reaffirm and commit themselves to effectively promote and protect the human rights of women within their territories.

2. That member states ratify and implement the Convention on the Elimination of All Forms of Discrimination Against Women and other human rights instruments. Reservations from member states should not nullify their obligations to protect and ensure the rights of women.

3. That member states ensure that their domestic laws and practice are in conformity with their international obligations under regional and international human rights instruments.

4. That the international community of states adopt a system of monitoring and redress of violation of women's human rights and commit themselves to use all lawful means to promote and protect the human rights of women around the world.

5. That member states recognize systematic violence against women as a violation of their fundamental human right and commit themselves to take all necessary measures to combat this phenomenon.

6. That states reaffirm the indivisibility of human rights and commit themselves the providing resources for the enjoyment of social and economic rights.

7. That multi-lateral financial institutions, donor countries and other donor agencies proceed by way of prior popular consultation to ensure that economic s t r u c t u r a l adjustment policies and programmes do not result in, or worsen systematic violations of the human rights of women.

8. That member states and international organizations reaffirm and adhere to their obligation to disseminate information on human rights standards, member states

obligations and enforcement mechanisms.

9. That member states should promote and encourage international co-operation so as to ensure the realization of women's rights as guaranteed by the international instruments.

WORLD CONFERENCE ON HUMAN RIGHTS

VIENNA, 14 - 25 June 1993

STATEMENT BY WILDAF, ITS MEMBER ORGANIZATIONS AND INDIVIDUALS AND OTHER AFRICAN WOMEN"S RIGHTS ORGANIZATIONS

Women in Law and Development in Africa (WILDAF) makes this intervention on behalf of the women's rights and development organizations and individuals in Africa, whose names appear below.

We appreciate the decision of the United Nations and its member States to hold the World Conference on Human Rights. Concerned that women's fundamental human rights have not been perceived as human rights by States, treaty-based bodies and the United Nations system, we call upon the World Conference on Human Rights to consider the following:

PROGRESS IN THE FIELD OF HUMAN RIGHTS

Since the adoption of the Universal Declaration of Human Rights, there has been some progress in the field of human rights. Various human rights conventions have been adopted at international and regional levels, thus providing the legal framework for the promotion and protection of fundamental human rights. Enforcement mechanisms and bodies like the Human Rights Commission and Committee, regional human rights commissions and courts and various monitoring efforts have been put in place. Their work and potential is appreciated.

These overall and general achievements should not detract the World Conference from reviewing progress in the human rights of specific groups or communities. The Conference should specifically review the progress, if any, made in the effective promotion and protection of women's human rights. In particular, the World Conference should consider the following:

- In spite of the ratification of international and regional human rights instruments, States still maintain laws and practices which discriminate against women. Selective traditions and customs

are used by States to perpetuate discrimination against women and to condone it in the private sphere, contrary to obligations freely assumed by States and to the expectations of the international community. This is particularly true in the field of access to land and other economic resources, legal status and capacity and rights within the family.

- The failure of States, treaty-base bodies and human rights NGOs to effectively address the issue of violence against women. Women all over the world are subjected to certain forms of violence, including battery in the home and rape, because they are women. This systemic violence threatens and denies women their fundamental rights to life, to security of person and amounts to cruel and inhuman treatment. It is the highest form of sex discrimination and denies women the dignity and integrity inherent in the human person. It also impairs their capacity to exercise and enjoy other civil and political, social and economic rights.8

In respect of these issues we recommend that the World Conference:

1. reaffirms the right of women not to be discriminated against, on the basis of their sex, as an inalienable human right which States should promote and protect. The Conference should call on those States which have not done so, to ratify human rights instruments protecting women's rights. The Conference should discuss and determine the validity of reservations, entered on ratification, which defeat the primary objectives of the instruments. The Conference should further call on States to ensure that their constitutions, other domestic laws and practices are designed, to eliminate discrimination against women both in the public and private spheres. Custom, tradition, and religion, must be seen as subject to the inalienable rights of the human person.

We further call upon the World Conference to call upon the Human Rights Commission to take urgent steps to appoint a special rapporteur on gender discrimination. The World Conference should also call on other treaty-bodies, in the course of their duties, to address discrimination against women both in public life and within the family, and to recommend appropriate sanctions, against states continuing violations against women's rights.

2. recognizes systemic violence against women as a violation of women's fundamental rights. The Conference should reaffirm State responsibility to eliminate violence against women in the public and private sphere. The Conference should call on States to take urgent and effective legal, administrative, educational and social measures to achieve this objective. The Human Rights Commission, other international and regional human rights regimes and human rights NGOs must address perennial human rights issue.

We recognize and support the decision of the Commission on Human Rights to consider the appointment of a special rapporteur on

gender violence. This would be a first and necessary step in integrating women's human rights concerns in the work of the Human Rights Commission.

BARRIERS TO PROGRESS IN THE FIELD OF HUMAN RIGHTS

The World Conference should consider the following barriers to progress in the promotion and protection of women's human rights.

- The failure of the human rights community (States, treaty-based bodies, international and national human rights NGOs) to consider it their responsibility to disseminate human rights information to the people must be seen as one of the main obstacles to the promotion and protection of human rights. the potential for people to demand their rights, to monitor their own human right situation and to report violations must not be underestimated. This is particularly important for the realization of gender equality. Women all over the world, especially in Africa and other Third World countries, need information on fundamental rights, obligations assumed by their States, available enforcement mechanisms and how to access them. States, treaty-based bodies and non-government human rights organizations must commit themselves and their resources to the effective dissemination of human rights information and to support national and grassroots groups working towards this end.

- The continued division of human rights into civil and political rights on the one hand, and social and economic rights on the other, is a serious obstacle to the protection of women's human rights. The international human rights community has committed significant resources to the monitoring and reporting of violations of and/or progress in the field of civil and political rights. Donor countries and multilateral agencies have used development aid to promote greater respect for civil and political rights. While this is to be appreciated and encouraged, women in Africa and other Third World countries, are concerned that the human rights community pays relatively little attention to ensuring that women and girl-children have access to food, medical care, family planning methods of their choice, education and economic resources.

We call upon the World Conference to:

1. reaffirm the obligation of States, treaty-based human rights bodies and multilateral agencies to effectively disseminate human rights information. This obligation includes dissemination of information on:

i). the time, (year, and month), when States are required to submit periodic reports

ii). the content of such reports.

The Conference must call upon the international human rights community to support national and grassroots NGOs working to create human rights awareness and to help communities protect themselves against violations.

2. reaffirm the indivisibility and mutual dependence of human rights. The Conference must call upon States and multilateral agencies to commit themselves and their resources to securing for the women of the World a right of access to food, health care, including family planning services, education and economic resources. Unless greater attention is given to these basic rights, progress towards a universal respect for women's human rights will continue to be elusive.

EMERGING ISSUES IN THE FIELD OF HUMAN RIGHTS

In considering emerging issues in the field of human rights and the relationship between development and human rights, the World Conference should consider the following:

1. The imposition and implementation of economic structural adjustment programmes (ESAP) in many countries of Africa is creating new challenges for the human rights community. Multilateral financial agencies and donor countries are demanding strict adherence by countries as a precondition to development aid. The World Conference must consider the negative impact of those programmes on the majority of the population and the relationship between that impact and human rights. As governments are forced to cut government spending on public utilities and amenities, communities which are already poor are deprived of medical care, education opportunities and the opportunity to enter the job market. These impacts are particularly severe in the case of women. In many African communities, if families are forced to chose between a son and a daughter in terms of education, good nutrition and medical care, the son gets the opportunity. In many of these communities, where women and girls are already disadvantaged, Structural Adjustment Programmes have further worsened women and girls' situation. Economic Structural Adjustment Programmes <u>are forcing</u> families in Africa to make those kinds of choices. The implications for women in Africa, and especially for their capacity to demand and enjoy fundamental human rights is severely being hampered.

We call upon the World Conference to take a close and open look at

the human rights aspects of ESAP. In particular, the Conference should bear in mind that the human person should always be the subject and object of the development process. Mere accumulation of wealth by a few individuals is not development. We believe that there can be development with a human face. The Conference should call for more consultations with grassroots communities before ESAPs are imposed.

2. Many African countries are consumed by internal armed conflicts. We call upon the World Conference to effectively address human rights violations by government and all parties involved in the armed conflict situations. Women suffer horrendous violations as women, which need to be researched into, reported and effectively addressed by the human rights community. Mass abductions of women and young girls for sexual molestation by the fighting groups, forced pregnancies, forced circumcision and other gender-specific abuses are widespread.

We call upon the World Conference to recommend to the Human Rights Commission to undertake an urgent study on the magnitude of this problem and to recommend to the United Nations General Assembly and the World Conference on Women in 1995 on appropriate measures to protect women's rights in conflict situations.

We appreciate and support the decision of the United Nations to establish a war crimes tribunal to prosecute crimes, including rape in the former Yugoslavia. We, however, wish to note that atrocities of a similar nature are taking place in situations of internal armed conflicts in Africa. The international human rights community needs to develop effective mechanisms which will protect women's rights in all conflict situations.

SPONSORING ORGANIZATIONS AND INDIVIDUALS

ORGANIZATIONS

Women in Law and Development in Africa (WiLDAF)
International Federation of Women Lawyers-Lesotho
International Federation of Women Lawyers-Kenya
International Federation of Women Lawyers-Uganda
International Federation of Women Lawyers-Tanzania
International Federation of Women Lawyers-Ghana
International Federation of Women Lawyers-Nigeria
Emang Basadi (Botswana)
Centre for Human rights (Botswana)
Action for Development (Uganda)
Uganda Law Society (Uganda)
Uganda Women's Resource Centre (Uganda)
Legal Education and Advice Project (Kenya)
Women and Law in East Africa (Kenya)
Tanzania Media Women's Association (Tanzania)
Women and Law in East Africa (Tanzania)
Musasa Project (Zimbabwe)
Women's Action Group (Zimbabwe)
Women and Law in Southern Africa (Zimbabwe)
Zimbabwe Council of Churches (Zimbabwe)
Catholic Commission for Justice and Peace (Zimbabwe)
Young Women Christian Association (Zimbabwe)
Young Women Christian Association (Zambia)
Zambia Association for Research and Development (Zambia)
Zambia Media Women's Association (Zambia)
Women's Lobby Group (Zambia)
Women and Law in Southern Africa (Swaziland)
Legal Assistance Centre (Namibia)
MULEIDE (Mozambique)
Legal Research and Resource Development Centre (Nigeria)
Women in Nigeria (WIN) (Nigeria)
STOPAIDS Organization (Nigeria)
Women's Research Group, University of Ghana (Ghana)
Allied Women's Group (Ghana)
Soroptimist International Club of Accra (Ghana)
Center for African Studies, Gender Department (Mozambique)
International Reproductive Rights Research Action Group (Nigeria)
SUWATA Legal Aid Scheme (Tanzania)
Yewi Yewi (Senegal)
Federation des Associations Femininines de Senegal (Senegal)
Association des Femmes Tunisiennes pour la recherche et le developpement (Tunisia)
Association Tunnisienne des Femmes Democrates
Association de la Defense et de la Promotion des Droits de la Femme (Algeria)
Association de la Solidarite des Femmes du Maghreb et de l'Europe (Algeria)

Association pour l'Egalite devant la loi entre le femmes et les hommes (Algeria)
Union de l'Action Feminine (Morocco)
Association Democratique des Femmes du Maroc (Morocco)
Section Feminine de l'USFP (Morroco)
Section Feminine del'UNFP (Morocco)
Section Feminine du Parti de l'avant garde (Morocco)
Organization de la Femme Istiqlalienne (Morocco)
Association Marocaine des Droits de la Femme (Morocco)
Association des Femmes Progressistes (Morocco)
Association de Solidarite Feminine (Morocco)
Section Feminine du mouvement populaire (Morocco)
Commission des Femmes del'Organization Marocaine des Droits de l'Homme (Morocco)
Commission des Femmes de l'Association Marocaine des Droits de l'homme (Morocco)
Commission des Femmes Ouvrieres de la C.D.T. (Morocco)
Commission des Femmes Ouvrieres de l'U.M.T.
Association des Femmes Chefs d'Enterprises
Association de la Creativite Feminine (Morocco)
Comite des Femmes Journalistes Professionneles (Morocco)
Association des Femmes et des Jeunes dans l'Environment Maghrebin (Morocco)
Association des Femmes Sportives (Morocco)
Ligne Nationale Fonctionnaires du secteur publique

INDIVIDUALS

Alice Mogwe (Botswana)
Motsei Madisa (Botswana)
Akua Kuenyehia (Ghana)
Dorcas Coker-Appiah (Ghana)
Joan Attu (Ghana)
Judith Asamoah (Ghana)
Arthur Lucy (Ghana)
Addo-Kufour Marian Adwoa (Ghana)
Owusu Ursula (Ghana)
Ernestina Naana Hagan (Ghana)
Alexina Arthur (Ghana)
Kate Abbam (Ghana)
Lucy Osei (Ghana)
Chris Dadzie (Ghana)
Alikem Adadevoh (Ghana)
Elizabeth Owivedu Gyampoh (Ghana)
Henrietta Asare-Korang (Ghana)
Elizabeth Ardayfio-Schandorf (Ghana)
Christina Addo (Ghana)
Grace Githu (Kenya)
Jean Kamau (Kenya)
Betty Wamalwa (Kenya)
Christine Agimba (Kenya)
Patricia Mbote (Kenya)

Nancy Baraza (Kenya)
Dione Morris (Kenya)
Anne Kariuki (Kenya)
Mamosebi Pholo (Lesotho)
Ann Pinto (Mozambique)
Helena Pedro (Mozambique)
Judite Santos (Mozambique)
Teodiso Uate (Mozambique)
Gail Super (Namibia)
Nashilongo Shivute (Namibia)
Tokunbo Ige (Nigeria)
Dupe Adesioye (Nigeria)
Alonge Titi (Nigeria)
Amobi A. Lorna (Nigeria)
Osemwegie Adesuwa (Nigeria)
Grace Osakwe (Nigeria)
Otunla Bette (Nigeria)
Olateru-Olagbegi Bisi (Nigeria)
Asimolowo Bimpe (Nigeria)
Akhigbe Adesuwa (Nigeria)
Adria Graham (Nigeria)
Fwangchi H. M. (Nigeria)
Pearl Nwashili (Nigeria)
Nkechi Nwankwo (Nigeria)
Ebuk E Fidela (Nigeria)
Idowu O Abiodun (Nigeria)
Mary Kanu (Nigeria)
Bisi Ogunleye (Nigeria)
Peju Olukoya (Nigeria)
Judith Okpeki (Nigeria)
Olapeju Odelola (Nigeria)
Ebunoluwa Okusanya (Nigeria)
Bimbo Okunola (Nigeria)
Seny Diagne (Senegal)
Awa Sene Sarr (Senegal)
Colibaly Fall (Senegal)
Mahfud Durra (Tunisia)
Nadia Hakimi (Tunisia)
Zineb Hamed (Tunisia)
Akila Ward (Algeria)
Saliha Ghazali (Algeria)
Hakima Ben Abdelmoumen (Algeria)
Fatima Ibrahim (Sudan)
Inayat Mohmoud Farid (Egypt)
Ndoure Mbam Diara (Mali)
Bernadette Palle (Burkina Faso)
Pratt Delina Hulda (Sierra Leone)
Dyfan Lanla Isha (Sierra Leone)
Dlamini Thembayena (Swaziland)
Maureen Magwaza (Swaziland)
Nakazael Tenga (Tanzania)
Sherbanu Kassim (Tanzania)

Winnie Korosso	(Tanzania)
Eddah Sanga	(Tanzania)
Florence Butegwa	(Uganda/Zimbabwe)
Margaret Oguli-Oumo	(Uganda)
Esther Mayambala	(Uganda)
Alugresia Akwi-Ogojo	(Uganda)
Enid Byaburakirya	(Uganda)
Dora Kanabahita	(Uganda)
Stella Mukasa	(Uganda)
Lilliam Mushota	(Zambia)
Mary Kazunga	(Zambia)
Sydia Nduna	(Zambia)
Rosemary Nyaywa	(Zambia)
Mercy Siame	(Zambia)
Evejoice Win	(Zimbabwe)
Petronella Maramba	(Zimbabwe)
Gladys Gwashure	(Zimbabwe)
Margaret Makuwaza	(Zimbabwe)
Gladys Siwela	(Zimbabwe)
Patricia Majoko	(Zimbabwe)
Grace Chiura	(Zimbabwe)
Christine Erickson	(Zimbabwe)